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Paper No. 12

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75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

In re Application of Levy et al.
Reissue of Patent No. 5,869,353
Original Issue Date: February 9, 1999
Reissue Application No. 09/633,297
Filed: August 3, 2000
Attorney Docket No. DENSE-015X
For: MODULAR PANEL STACKING PROCESS

:
: DECISION REFUSING
: STATUS UNDER
: 37 CFR 1.47(a)

COPY MAILED

APR 25 2002

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.47(a),¹ filed January 24, 2002.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

- (1) proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refuses to sign after having been presented with the application papers (specification, claims, and drawings),
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the fee of \$130 as specified in 37 CFR § 1.17(h), and
- (4) the last known address of the omitted inventor(s).

In addition to the above requirements, the signing inventors must sign the declaration on behalf of the non-signing inventor. See MPEP 409.03(a).

The instant petition fails to satisfy (1). Petitioner fails to establish that diligent efforts have been made to locate the inventor. Petitioner fails to list any efforts made to find a new address for Mr. Levy or to contact Mr. Levy by telephone.

The following information is for petitioner's benefit only and the Office does not verify that the information is correct nor does the information, if inaccurate, release petitioner from the obligation to exercise diligent effort to find the nonsigning inventors. A brief internet search indicates that a Mr. Aaron Uri Levy, who previously lived at the address listed on the petition, now lives at 5442 OLD PIRATE LANE, HUNTINGTON BEACH, CA 92649. It is unclear if this is the same Mr. Levy listed on the declaration.

¹ Although the petition is labeled as a petition under 37 CFR 1.183, the petition is properly considered under 37 CFR 1.47.

In order to expedite consideration, petitioner may wish to submit the renewed petition under 37 CFR 1.47 by facsimile transmission to the telephone number indicated below and to the attention of the undersigned.

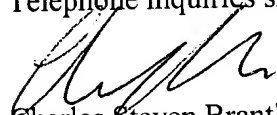
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
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Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.



Charles Steven Brantley
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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy